

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 17-834V

Filed: October 6, 2017

Not to be Published

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KENDRA CALVERT, Individually  
and as Next Friend of S.C., a Minor,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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Notice of voluntary dismissal;  
Order Concluding Proceedings  
under Vaccine Rule 21(a)(1)(A);  
diphtheria-tetanus-acellular pertussis  
("Dtap") vaccine reaction of seizures

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Gil L. Daley, II, Ft. Worth, TX, for petitioner.

Ryan D. Pyles, Washington, DC, for respondent.

**MILLMAN, Special Master**

### **ORDER CONCLUDING PROCEEDINGS**<sup>1</sup>

On June 20, 2017, petitioner filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. § 300aa-10-34 (2012), alleging that diphtheria-tetanus-acellular pertussis ("Dtap") vaccine administered on June 25, 2014 caused her daughter a reaction, including seizures. See Pet. Preamble and ¶ 1.

On October 6, 2017, petitioner filed a Notice of Voluntary Dismissal under Vaccine Rule 21(a)(1)(A).

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<sup>1</sup> Because this Order Concluding Proceedings contains a reasoned explanation for the special master's action in this case, the special master intends to post this Order Concluding Proceedings on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioners have 14 days to identify and move to redact such information prior to the document's disclosure. If the special master, upon review, agrees that the identified material fits within the categories listed above, the special master shall redact such material from public access.

### **DISCUSSION**

Under Vaccine Rule 21(a)(1)(A), petitioner may engage in a voluntary dismissal by making a motion for dismissal at any time before service of respondent's Rule 4(c) Report, which petitioner has done in the instant action.

Under Vaccine Rule 21(a)(3), the result of this voluntary dismissal is an Order Concluding Proceedings. No judgment will enter pursuant to Vaccine Rule 11 for purposes of 42 U.S.C. § 300aa-21(a).

### **CONCLUSION**

This petition is **DISMISSED**. The clerk of the court is directed to remove this case from the docket of the undersigned.

**IT IS SO ORDERED.**

Dated: October 6, 2017

s/ Laura D. Millman  
Laura D. Millman  
Special Master